

US Patent Application Number: 10/783,735

REMARKS

Claim 1-31 are pending in the present application.

A. Rejection under 35 U.S.C. §112, Second Paragraph

Claims 1-31 have been rejected under 35 U.S.C. §112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the Applicant considers the invention. This rejection under 35 U.S.C. §112, second paragraph, is respectfully traversed.

As respectfully submitted above, independent claims 1 and 22 have been amended to enhance the particularity and distinctness of the language used to claim the subject matter which the Applicant considers the invention.

More particularly, independent claim 1 has been amended to state that a pacing environment enhancement generator to generate an electrical enhancement signal, the electrical enhancement signal effectively lowering a threshold for pacing the heart when the control circuit determines from the sensed conditions that a natural pacing signal of the heart has fallen below a threshold to trigger the heart to beat.

In other words, as described in the originally filed specification, when the control unit determines that the natural pacing signal of the heart falls below a threshold, the threshold being associated with the level or strength of the pacing signal needed to trigger the heart to beat, the control unit causes the subthreshold stimulus generator to activate so as to generate a signal (electrical enhancement signal) that causes a threshold for pacing the heart to be exceeded when the heart receives a subthreshold pacing signal or a natural stimulus.

Moreover, independent claim 22 has been amended to state that an electrical enhancement signal is generated, wherein the electrical enhancement signal effectively lowering a threshold for pacing the heart when the determined state of the heart is a state associated with a natural pacing signal of the heart falling below a threshold to trigger the heart to beat.

In other words, as described in the originally filed specification, when it is determined that the natural pacing signal of the heart falls below a threshold, the

US Patent Application Number: 10/783,735

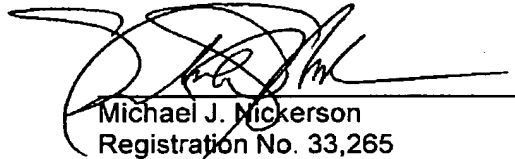
threshold being associated with the level or strength of the pacing signal needed to trigger the heart to beat, a signal (electrical enhancement signal) is generated, which causes a threshold for pacing the heart to be exceeded when the heart receives a subthreshold pacing signal or a natural stimulus.

Accordingly, in view of the amendments and remarks set forth above, the Examiner is respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. §112, second paragraph.

CONCLUSION

Accordingly, in view of all the reasons set forth above, the Examiner is respectfully requested to reconsider and withdraw the present rejection. Also, an early indication of allowability is earnestly solicited.

Respectfully submitted,



Michael J. Nickerson
Registration No. 33,265
Basch & Nickerson LLP
1777 Penfield Road
Penfield, New York 14526
Telephone: (585) 899-3970

MJN/mjn